

MONDAY, MAY 15, 1989

FORTY-SIXTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Glen Phillips, Sr. Pastor, First United Methodist Church, Lebanon, Tennessee.

Representative Joe Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

MESSAGE FROM THE SENATE

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1194; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1194 -- Sentencing -- Revises criminal law. Amends TCA, Titles 37, 39, 40, 55, 63, 68.

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SIGNED
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The Speaker announced that he had signed the following: Senate Bill(s) No(s). 270, 293, 573, 575, 576, 577, 1037, 1330 and 1354; and Senate Joint Resolution(s) No(s). 261, 265, 266, 267, 268, 282 and 283.

MESSAGE FROM THE GOVERNOR
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MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill(s) No(s). 30, 215, 680, 1150 and 1343; and House Joint Resolution(s) No(s). 182, 263, 290, 291, 293, 294, 297, 298, 299, 301, 303, 305, 306, 309, 315, 355, 372, 373, 374, 375 and 376, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

HOUSE ACTION ON SENATE AMENDMENTS

RULES SUSPENDED

Rep. Naifeh moved to suspend the rules to call up out of order from the Message Calendar House Bill No. 627, which motion prevailed.

*House Bill No. 0627 -- Juvenile Offenders -- Creates department of youth development.

Senate Amendment No. 5

Amend House Bill No. 627 by deleting from the directory language in the new subsection added to SECTION 44 by House Amendment No. 4 the figures "37-1-129" and substituting instead the figures "37-1-103".

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 5, which motion prevailed by the following vote:

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Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Callicott moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 403 out of order, which motion prevailed.

House Joint Resolution No. 0403 -- Memorials, Sports -- Congratulates Franklin High School boys' basketball team on capturing State AAA championship. by *Callicott, *Hobbs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Callicott, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Rhinehart moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 404 out of order, which motion prevailed.

House Joint Resolution No. 0404 -- Memorials, Condolence -- Honors memory of Royce Tensley "R.T." Davis. by *Rhinehart.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Rep. Rhinehart, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Pinion moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 406 out of order, which motion prevailed.

House Joint Resolution No. 0406 -- Memorials, Sports --
Congratulates Union City High School marching band on outstanding season of band competition. by *Pinion.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pinion, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 1135 -- Financial Disclosure --** Revises threshold for certain reporting requirements. Amends TCA, Titles 2, 3, 8.

Further consideration of Senate Bill No. 1135, previously considered on May 3, 1989, at which time Senate Bill No. 1135 was substituted for House Bill No. 1107 and it was reset to the Calendar for May 8, 1989. On May 8, 1989, Amendments Nos. 1 and 2 were adopted, Amendment No. 3 was tabled, the motion was made to adopt Amendment No. 4, and the bill was reset as a special order to the Calendar for May 15, 1989.

Thereupon, Rep. Herron renewed the motion to adopt Amendment No. 4.

On motion, Amendment No. 4 was adopted by the following vote:

Ayes.	55
Noes.	23
Present and not voting.	3

Representatives voting aye were: Armstrong, Bell, Bittle, Bragg, Byrd, Cain, Coffey, Cross, Curlee, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Halteman, Hassell, Henry (Putnam), Herron, Hillis, Holcomb, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Love, McDaniel, Naifeh, Napier, Nuber, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Sipes,

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Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Williams, Winningham, Wix, Mr. Speaker Murray -- 55.

Representatives voting no were: Bivens, Buck, Callicott, Collier, Copeland, Duer, Gunnels, Harrill, Haun, Hawkins, Hobbs, Holt, McAfee, Moody, Moore (Shelby), Niceley, Pinion, Robinson (Washington), Scruggs, Severance, Whitson, Wolfe, Wood -- 23.

Representatives present and not voting were: Clark, Good, Yelton -- 3.

Rep. Copeland moved to amend as follows:

Amendment No. 5

Amend Senate Bill No. 1135 by adding the following language as a new, appropriately designated section before the penultimate section, and by renumbering subsequent sections accordingly:

SECTION ____ Tennessee Code Annotated, Section 3-6-102, is amended by adding the following language at the end of subdivision (15):

For purposes of this act, "official in the executive branch" shall also include members of the public service commission;

On motion, Amendment No. 5 was adopted.

Rep. Herron moved to amend as follows:

Amendment No. 6

AMEND Senate Bill No. 1135 by adding at the end of Section 4, as amended, the following language:

For the purpose of implementing the provisions of this section, a lobbyist may begin to compile the information for the reports required under this chapter at the beginning of the lobbyist's next succeeding fiscal year. Provided, however, a lobbyist shall begin to compile the required information not later than January 1, 1990.

AND FURTHER AMEND by adding at the end of Section 6, as amended, the following language:

For the purpose of implementing the provisions of this section, a lobbyist may begin to compile the information for the reports required under this chapter at the beginning of the lobbyist's next succeeding fiscal year. Provided, however, a lobbyist shall begin to compile the required information not later than January 1, 1990.

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On motion, Amendment No. 6 was adopted.

Rep. Wheeler moved to amend as follows:

Amendment No. 7

Amend Senate Bill No. 1135 by deleting from Section 8 at the end of Subdivision (C) the period and adding the language "; or" and by adding the following new subdivision:

(D) The loan is from a corporation in which more than fifty percent (50%) of the outstanding voting shares are owned by the person making disclosure or the person's family.

On motion, Amendment No. 7 was adopted.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Amendment No. 7 to Senate Bill No. 1135 and have this statement entered in the Journal.

Rep. Randall Stamps

REGULAR CALENDAR, CONTINUED

Rep. Williams moved to amend as follows:

Amendment No. 8

Amend Senate Bill No. 1135 by adding the following language at the end of Section 8 added by Senate Amendment No. 12, which added a new subdivision to Section 8-50-502:

As used in this subdivision, "immediate family member" means a spouse, parent, sibling, or child.

On motion, Amendment No. 8 was adopted.

Rep. Wheeler moved to amend as follows:

Amendment No. 9

Amend Senate Bill No. 1135 by adding a new subdivision, as follows, to the amendatory language in Section 8:

(D) The loan is from a partnership in which the legislator is a partner.

Rep. Herron moved that Amendment No. 9 be tabled, which motion failed.

Thereupon, Rep. Wheeler renewed his motion to adopt Amendment No. 9, which motion prevailed.

Rep. Williams moved to amend as follows:

Amendment No. 10

Amend Senate Bill No. 1135 by adding the following sentence at the end of the amendatory language of the first section added by House State & Local Government Committee Amendment No. 2 to No. 1 which added a new section to Tennessee Code Annotated, Title 2, Chapter 10 relative to fund raising events and accepting contributions from any lobbyist:

Provided, however, the prohibition of this section shall not apply to any candidate in a special election to fill a vacancy in the general assembly.

On motion, Amendment No. 10 was adopted.

Rep. Bivens moved to amend as follows:

Amendment No. 11

Amend Senate Bill No. 1135 by adding the following new section to be designated appropriately and by renumbering subsequent sections accordingly:

Section ____ Tennessee Code Annotated, Title 3, Chapter 6, is amended by adding the following language in a new section to be appropriately designated:

Section ____ Public Service Commissioners.

The provisions of this act shall not apply to the members of the public service commission except as provided in this section.

(a) For purposes of this section, a contested case before the commission shall mean any proceeding which commences upon the filing of a formal petition in accordance with Tennessee Code Annotated, Section 65-2-103.

Effective July 1, 1989, while any contested case is pending before the public service commission or is on appeal, it shall be unlawful for any public service commissioner or candidate therefor to knowingly accept a contribution for a

campaign for election or re-election to such office from any employee, owner, major stockholder or officer of a company or business entity regulated by the public service commission which is a party to such contested case, or from a committee which obtains more than fifty percent (50%) of its funds from a regulated individual or from a regulated industry which is a party to the contested case.

(b) Any employee, owner, major stockholder or officer of a company regulated by the public service commission shall be prohibited from making expenditures other than political contributions in excess of a cumulative total of fifty dollars (\$50.00) during a single week or in excess of a total of five hundred dollars (\$500) in a six (6) month period to benefit any member of the public service commission. Provided, however, that events where invitations are extended to the entire membership of the public service commission shall be exempt from the provisions of this section.

(c) The provisions of this section shall not alter the provisions of Tennessee Code Annotated, Section 65-1-103, but shall supersede the provisions of Tennessee Code Annotated, Section 65-1-109.

On motion, Amendment No. 11 was adopted.

Rep. Bivens moved to amend as follows:

Amendment No. 12

Amend Senate Bill No. 1135 by adding before the effective date section the following new section and by renumbering the effective date section:

SECTION ____ Tennessee Code Annotated, Section 2-19-132, is amended by inserting between the words "or credits of the corporation" and the words "for the purpose" the language "in excess of two hundred fifty dollars (\$250)".

Tennessee Code Annotated, Section 2-19-132, is further amended by inserting between the words "or in any way contributing" and the words "to the campaign fund" the language "more than two hundred fifty dollars (\$250)".

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Rep. Herron moved that Amendment No. 12 be tabled, which motion failed by the following vote:

Ayes.	33
Noes.	55
Present and not voting.	4

Representatives voting aye were: Buck, Burnett, Byrd, Clark, Coffey, Collier, Curlee, Duer, Ellis, Gaia, Givens, Halteman, Henry (Putnam), Herron, Hillis, Holcomb, Holt, Hubbard, Kent, Kernell, Love, Odom, Pruitt, Purcell, Stallings, Stamps, West, Wheeler, Williams, Winningham, Wolfe, Wood, Yelton -- 33.

Representatives voting no were: Armstrong, Bittle, Bivens, Cain, Callicott, Chiles, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Good, Gunnels, Harrill, Hassell, Haun, Hawkins, Head, Hobbs, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Whitson, Wix -- 55.

Representatives present and not voting were: Bragg, DeBerry, Naifeh, Pinion -- 4.

Thereupon, Rep. Bivens renewed his motion to adopt Amendment No. 12, which motion failed by the following vote:

Ayes.	43
Noes.	46
Present and not voting.	3

Representatives voting aye were: Armstrong, Bittle, Bivens, Chiles, Collier, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Gaia, Good, Gunnels, Harrill, Head, Hobbs, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), King, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Niceley, Nuber, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wood -- 43.

Representatives voting no were: Bragg, Buck, Burnett, Byrd, Callicott, Clark, Coffey, Crain, Curlee, DePriest, Duer, Ellis, Givens, Halteman, Hassell, Haun, Hawkins, Henry (Putnam), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Kent, Kernell, Kisber, Love, Miller, Naifeh, Napier, Odom, Pinion, Pruitt, Purcell, Stallings, Stamps, Turner (Hamilton), West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Yelton -- 46.

Representatives present and not voting were: Cain, DeBerry, Moody -- 3.

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Rep. Whitson moved that Senate Bill No. 1135 be re-referred to the Judiciary Committee.

Rep. Herron moved to table the motion to re-refer, which motion failed.

Thereupon, Rep. Whitson renewed his motion to re-refer Senate Bill No. 1135 to the Judiciary Committee, which motion failed by the following vote:

Ayes.	40
Noes.	53
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Cain, Callicott, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Good, Gunnels, Head, Hobbs, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), King, Moody, Moore (Lawrence), Moore (Shelby), Niceley, Nuber, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, Whitson -- 40.

Representatives voting no were: Bragg, Buck, Burnett, Byrd, Clark, Coffey, Collier, Copeland, Curlee, Duer, Ellis, Gaia, Garrett, Givens, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Naifeh, Napier, Odom, Peroulas, Pinion, Pruitt, Purcell, Scruggs, Sipes, Stallings, Stamps, Turner, C. (Shelby), West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 53.

Representatives present and not voting were: DeBerry -- 1.

Rep. Shirley moved to amend as follows:

Amendment No. 13

Amend Senate Bill No. 1135 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 3, Chapter 6, Part 1, is amended by adding new section:

Section _____. Each member of the general assembly and each lobbyist regulated pursuant to the provisions of this part shall be tested twice during each annual session of the general assembly by appropriate urine or blood analysis to determine the presence of illegal drugs. The department of health and environment shall conduct such tests on a random basis with no prior notification to the member of the general assembly or

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lobbyist. The report on such tests shall be filed with the chief clerk of each house. Such reports shall be a public record pursuant to the provisions of Tennessee Code Annotated, Title 10, Chapter 7, Part 5.

Rep. Herron moved that Amendment No. 13 be tabled, which motion failed.

Rep. Copeland moved the previous question, which motion prevailed.

Thereupon, Rep. Shirley renewed his motion to adopt Amendment No. 13, which motion prevailed by the following vote:

Ayes.	70
Noes.	23

Representatives voting aye were: Armstrong, Bittle, Bivens, Bragg, Cain, Callicott, Chiles, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Hillis, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, Kisber, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton -- 70.

Representatives voting no were: Anderson, Buck, Burnett, Byrd, Clark, Coffey, Duer, Harrill, Henry (Putnam), Herron, Holcomb, Hubbard, Kent, Kernell, Miller, Moody, Napier, Peroulas, Pruitt, Purcell, Scruggs, Webb, Winningham -- 23.

MOTION TO RECESS

Rep. Moody moved that the House stand in recess until Wednesday, May 17, 1989, which motion failed by the following vote:

Ayes.	19
Noes.	65
Present and not voting.	5

Representatives voting aye were: Bittle, Callicott, Cross, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Harrill, Huskey, Moody, Nuber, Rhinehart, Robinson (Hamilton), Robinson (Washington), Turner, L. (Shelby), Whitson, Winningham, Yelton, Mr. Speaker Murray -- 19.

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Representatives voting no were: Anderson, Armstrong, Bivens, Bragg, Buck, Byrd, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Dixon, Duer, Ellis, Gaia, Givens, Gunnels, Halteman, Hassell, Haun, Hawkins, Henry (Putnam), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Miller, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Robinson (Davidson), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Williams, Wix, Wolfe, Wood -- 65.

Representatives present and not voting were: Cain, Good, Hobbs, Moore (Lawrence), Moore (Shelby) -- 5.

REGULAR CALENDAR, CONTINUED

Rep. U. Jones moved to amend as follows:

Amendment No. 14

Amend Senate Bill No. 1135 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION ____ Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following new section:

No contribution received during an annual legislative session by a candidate or holder of any local public office shall be transferred from a campaign fund for a local public office to a campaign fund for the general assembly.

On motion, Amendment No. 14 was adopted.

Rep. Henry (Putnam) moved to amend as follows:

Amendment No. 15

Amend Senate Bill No. 1135 by deleting subdivision 8(D) of House Amendment 9 in its entirety and by substituting instead the following:

(D) The loan is from a partnership in which the legislator has at least ten percent (10%) partnership interest.

Rep. Scruggs moved the previous question, which motion prevailed.

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Thereupon, Rep. Henry (Putnam) renewed his motion to adopt Amendment No. 15, which motion prevailed.

Rep. Scruggs moved the previous question, which motion failed by the following vote:

Ayes.	53
Noes.	42

Representatives voting aye were: Anderson, Armstrong, Bragg, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Crain, Curlee, Davis (Gibson), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Halteman, Harrill, Hassell, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, U. (Shelby), Kent, King, Love, McDaniel, Moore (Shelby), Napier, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Webb, West, Wheeler, Wolfe -- 53.

Representatives voting no were: Bittle, Bivens, Buck, Burnett, Callicott, Collier, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Ellis, Good, Gunnels, Haun, Hawkins, Head, Huskey, Jones, R. (Shelby), Kernell, Kisber, McAfee, Miller, Moody, Moore (Lawrence), Niceley, Pinion, Ridgeway, Robinson (Hamilton), Shirley, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 42.

MOTION

Rep. Whitson moved that, pursuant to Rule No. 10, Senate Bill No. 1135 be set as a special order for the last bill on the last calendar of 1989, which motion failed by the following vote:

Ayes.	17
Noes.	74

Representatives voting aye were: Armstrong, Cross, Davis (Cocke), Dixon, Harrill, Head, Huskey, Jones, R. (Shelby), Kernell, Moody, Moore (Lawrence), Robinson (Washington), Turner (Hamilton), Turner, L. (Shelby), Ussery, Whitson, Yelton -- 17.

Representatives voting no were: Anderson, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Hawkins, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, U. (Shelby), Kent, King, Kisber, McAfee, McDaniel, Miller, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Scruggs, Severance, Shirley, Sipes,

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Stallings, Stamps, Turner, C. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 74.

Rep. Bivens moved to amend as follows:

Amendment No. 16

Amend Senate Bill No. 1135 by adding before the effective date section the following new section and by renumbering the effective date section:

SECTION ____ Tennessee Code Annotated, Section 2-19-132, is amended by inserting between the words "or credits of the corporation" and the words "for the purpose" the language "in excess of one hundred fifty dollars (\$150)".

Tennessee Code Annotated, Section 2-19-132, is further amended by inserting between the words "or in any way contributing" and the words "to the campaign fund" the language "more than one hundred fifty dollars (\$150)".

Rep. Herron moved that Amendment No. 16 be tabled, which motion failed by the following vote:

Ayes.	40
Noes.	47
Present and not voting.	2

Representatives voting aye were: Buck, Burnett, Byrd, Clark, Coffey, Collier, Crain, Curlee, Davis (Gibson), Davis (Knox), Ellis, Gaia, Givens, Halteman, Hassell, Hawkins, Henry (Putnam), Herron, Holcomb, Holt, Hubbard, Kent, Kernell, Miller, Naifeh, Napier, Nuber, Odom, Pinion, Pruitt, Purcell, Stallings, Stamps, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton -- 40.

Representatives voting no were: Anderson, Armstrong, Bittle, Bivens, Callicott, Chiles, Copeland, Cross, Davidson, Davis (Cocke), DeBerry, Dixon, Duer, Good, Gunnels, Harrill, Haun, Head, Hillis, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Niceley, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wolfe, Wood -- 47.

Representatives present and not voting were: Bragg, Cain -- 2.

Thereupon, Rep. Bivens renewed his motion to adopt Amendment No. 16.

Rep. Gunnels moved the previous question, which motion prevailed.

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Thereupon, Rep. Bivens renewed his motion to adopt Amendment No. 16, which motion prevailed by the following vote:

Ayes.	49
Noes.	42
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Callicott, Chiles, Copeland, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Good, Gunnels, Harrill, Haun, Hawkins, Head, Hillis, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, McAfee, McDaniel, Moody, Moore (Shelby), Niceley, Nuber, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wix, Wood -- 49.

Representatives voting no were: Bragg, Buck, Burnett, Byrd, Cain, Clark, Coffey, Collier, Crain, Curlee, Davis (Gibson), Ellis, Gaia, Givens, Halteman, Hassell, Henry (Putnam), Herron, Holcomb, Holt, Hubbard, Kent, Kernell, Kisber, Miller, Moore (Lawrence), Naifeh, Odom, Pinion, Purcell, Ridgeway, Stallings, Stamps, Turner (Hamilton), West, Wheeler, Whitson, Williams, Winningham, Wolfe, Yelton, Mr. Speaker Murray -- 42.

Representatives present and not voting were: Hobbs, Love, Napier -- 3.

Rep. U. Jones moved to amend as follows:

Amendment No. 17

AMEND Senate Bill No. 1135 by adding to the amendatory language of the first section added by House State & Local Government Committee Amendment No. 2 to No. 1 in the second sentence between the words "senate" and "may" the words "no candidate for governor or the governor nor any candidate for the public service commission or member of the public service commission".

AND FURTHER AMEND by adding in the second sentence between the words "member" and "may" the words "no candidate for governor or the governor nor any candidate for the public service commission or member of the public service commission".

Rep. Scruggs moved the previous question, which motion prevailed.

Thereupon, Rep. U. Jones renewed his motion to adopt Amendment No. 17, which motion prevailed by the following vote:

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Ayes.	78
Noes.	16
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Burnett, Callicott, Chiles, Collier, Copeland, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood -- 78.

Representatives voting no were: Buck, Byrd, Clark, Coffey, Crain, Cross, Curlee, Ellis, Henry (Putnam), Herron, Kent, Naifeh, Napier, Rhinehart, Yelton, Mr. Speaker Murray -- 16.

Representatives present and not voting were: Cain -- 1.

Rep. Shirley moved to amend as follows:

Amendment No. 18

Amend Senate Bill No. 1135 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Rhinehart moved that Amendment No. 18 be tabled, which motion failed by the following vote:

Ayes.	34
Noes.	54
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Burnett, Collier, Cross, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Good, Harrill, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, Moody, Moore (Lawrence), Napier, Nuber, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Washington),

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Stallings, Turner (Hamilton), Turner, L. (Shelby), Webb, Wheeler, Whitson, Winningham -- 34.

Representatives voting no were: Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Clark, Coffey, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Duer, Ellis, Gaia, Givens, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Putnam), Herron, Hillis, Holcomb, Hubbard, Kent, Kernell, Kisber, McAfee, McDaniel, Miller, Moore (Shelby), Naifeh, Niceley, Odom, Peroulas, Purcell, Robinson (Davidson), Severance, Shirley, Sipes, Stamps, Turner, C. (Shelby), Ussery, West, Williams, Wix, Wolfe, Wood, Yelton -- 54.

Representatives present and not voting were: Hobbs, Love, Robinson (Hamilton) -- 3.

Thereupon, Rep. Shirley renewed his motion to adopt Amendment No. 18.

Rep. Buck moved the previous question, which motion prevailed.

Thereupon, Rep. Shirley renewed his motion to adopt Amendment No. 18, which motion prevailed by the following vote:

Ayes	74
Noes	15
Present and not voting	2

Representatives voting aye were: Anderson, Bittle, Bivens, Bragg, Buck, Burnett, Cain, Callicott, Chiles, Clark, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 74.

Representatives voting no were: Armstrong, Collier, Cross, Davis (Knox), DePriest, Dixon, Hillis, Jones, R. (Shelby), Jones, U. (Shelby), King, Moore (Lawrence), Rhinehart, Ridgeway, Stallings, Turner, L. (Shelby) -- 15.

Representatives present and not voting were: DeBerry, Robinson (Hamilton) -- 2.

Rep. Scruggs moved the previous question, which motion prevailed.

Thereupon, Rep. Herron moved that Senate Bill No. 1135, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	87
Noes.	7
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 87.

Representatives voting no were: Cross, Davis (Knox), Ellis, Head, Kernell, Kisber, Turner, L. (Shelby) -- 7.

Representatives present and not voting were: Dixon -- 1.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Bill No. 0679 -- Health -- Changes certain reporting procedures for the public school nurse program. Amends TCA, Title 68, Ch. 1, Pt. 12.

On motion, House Bill No. 679 was made to conform with Senate Bill No. 716.

On motion, **Senate Bill No. 716**, on same subject was substituted for House Bill No. 679.

***Senate Joint Resolution No. 0207 --** General Assembly, Confirmation of Appointment -- Confirms appointment of Yvonne Griggs Allen to State Certification Commission.

***Senate Joint Resolution No. 0208 --** General Assembly, Confirmation of Appointment -- Confirms appointment of Dr. Sam Ingram to State Certification Commission.

***Senate Joint Resolution No. 0209 --** General Assembly, Confirmation of Appointment -- Confirms appointment of Buddy McMillin to State Certification Commission.

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***Senate Joint Resolution No. 0210 -- General Assembly, Confirmation of Appointment -- Confirms appointment of Lucille Carter Seibert to State Certification Commission.**

***Senate Joint Resolution No. 0211 -- General Assembly, Confirmation of Appointment -- Confirms appointment of Katie Harris to State Certification Commission.**

***Senate Joint Resolution No. 0212 -- General Assembly, Confirmation of Appointment -- Confirms appointment of Jan Huffman Hall to State Certification Commission.**

***Senate Joint Resolution No. 0213 -- General Assembly, Confirmation of Appointment -- Confirms appointment of Nancy Kotz to State Certification Commission.**

***Senate Joint Resolution No. 0214 -- General Assembly, Confirmation of Appointment -- Confirms appointment of Sarah Cooper to State Certification Commission.**

***House Joint Resolution No. 0207 -- General Assembly, Studies -- Extends AFDC study committee created by 95th General Assembly.**

***Senate Joint Resolution No. 0040 -- General Assembly, Studies -- Creates special joint study committee to study alcohol and drug abuse prevention and treatment services.**

***Senate Joint Resolution No. 0063 -- General Assembly, Studies -- Continues special joint committee to study administration of states regulatory boards, commissions and entities.**

***House Joint Resolution No. 0177 -- General Assembly, Studies -- Continues Select Joint Committee on Veterans Affairs for two years.**

House Bill No. 0563 -- Jails, Local Lock-ups -- Requires certain inmates to participate in local work release programs involving the removal of trash and other clean-up projects. Amends TCA, Title 41, Ch. 2, Pt. 1.

House Bill No. 0569 -- Probation -- Requires persons convicted of certain drug offenses to submit to mandatory drug tests as condition of probation. Amends TCA 40-35-303.

On motion, House Bill No. 569 was made to conform with Senate Bill No. 979.

On motion, Senate Bill No. 979, on same subject was substituted for House Bill No. 569.

House Bill No. 0574 -- Intergovernmental Relations -- Provides that the state development district representative to TACIR be appointed from list of nominees submitted by such association. Amends TCA 4-10-103.

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On motion, House Bill No. 574 was made to conform with Senate Bill No. 358.

On motion, Senate Bill No. 358 on same subject was substituted for House Bill No. 574.

House Resolution No. 0055 -- Memorials, Personal Achievement -- Honors Laura Rebecca Baskin on high academic achievement.

House Joint Resolution No. 0396 -- Memorials, Retirement -- Honors Thomas H. Brown on retirement from Maury County ASCS office.

House Joint Resolution No. 0397 -- Memorials, Personal Achievement -- Honors Tre Hargett, vice president of Student Government at Memphis State University.

House Joint Resolution No. 0398 -- Memorials, Personal Achievement -- Honors Halls High School English winners.

House Joint Resolution No. 0399 -- Memorials, Professional Achievement -- Honors management and employees of Kingston Fossil Plant on receipt of two TVA awards.

House Joint Resolution No. 0400 -- Memorials, Sports -- Congratulates Coach Mike Rader and Happy Valley High School girls' basketball team, TSSAA Class AA state tournament runner-up.

House Bill No. 0407 -- Shelby County -- Requires general sessions judges to have law license. Amends Chapter 123, Private Acts of 1941.

House Bill No. 1532 -- School Districts, Special -- Revises tax rate in Trenton special school district. Amends Chapter 144, Private Acts of 1975, as amended.

House Bill No. 1533 -- Lexington -- Provides for staggered terms of office for board of aldermen.

Senate Joint Resolution No. 0287 -- Memorials, Interns and Pages -- Honors Carolyn M. Dowd, 1989 legislative intern.

***Senate Joint Resolution No. 0288 -- Memorials, Public Service -- Commends Reverend Tom Melzoni.**

OBJECTION -- CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Bill No. 563 was objected to by Rep. Yelton.

Under the rules, House Bill No. 563 was/were placed at the foot of the calendar for Wednesday, May 17, 1989.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

MOTION TO RECONSIDER

Senate Bill No.0378 -- Aircrafts and Airports -- Revises apportionment formula for certain air carriers under excise and franchise taxes. Amends TCA, Title 67, Ch. 4, Pt. 8, 67-4-812, 814; Title 67, Ch. 4, Pt. 9, 67-4-911, 912.

Rep. Naifeh moved that the motion to reconsider Senate Bill No. 378 be lifted from the table, which motion prevailed.

Rep. Naifeh moved that the House reconsider its action in passing Senate Bill No. 378 on third and final consideration, which motion prevailed.

Rep. Naifeh moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 378 by deleting the second sentence of Section 2(5)(B) and by substituting instead the following:

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"Airmiles flown within the state shall only include miles in the state from flights originating from or ending in the state, or both originating from and ending in the state.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Naifeh moved that Senate Bill No. 378, as amended, be repassed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

House Bill No. 0596 -- Revenue, Dept. of -- Authorizes commissioner to allow payment of state tax by electronic funds transfer. Amends TCA, Titles 50, 57, 63, 67, 68.

Senate Amendment No. 1

Amend House Bill No. 596 by substituting for the language of Section 1 thereof the following:

SECTION 1. Tennessee Code Annotated, Section 67-1-703 is amended by designating the current language as subsection (a) and by adding new language as follows:

(b) The commissioner of revenue may require, consistent with the cash management policies of the state funding board, that any person owing twenty thousand dollars (\$20,000) or more in connection with

any return, report or other document to be filed with the department of revenue shall pay any such tax liability to the state no later than the date such payment is required by law to be made in funds which are immediately available to the state on the date of payment. Payment in immediately available funds may be made by wire transfers of funds through the Federal Reserve System or by any other means established by the commissioner, with the approval of the State treasurer, which insures the availability of such funds to the state on the date of payment. Evidence of such payment shall be furnished to the commissioner on or before the due date of the tax as established by law. Failure to timely make such payment in immediately available funds or failure to provide such evidence of payment in a timely manner shall subject the taxpayer to penalty and interest as provided by law for delinquent or deficient tax payments. If payment is timely made in other than immediately available funds, penalty and interest shall be added to the amount of tax due from the due date of the tax payment to the date that funds from the tax payment become available to the state.

Amend House Bill No. 596 by designating Section 2 as Section 3 and by adding a new Section 2 as follows:

SECTION 2. Tennessee Code Annotated, Section 67-1-703 is further amended by adding a new subsection as follows:

(c) The commissioner of revenue is specifically authorized to establish by rule periodic filing and payment dates which are subsequent to the dates otherwise established by law for any taxes collected by the department in those instances where he deems it to be in the best interest of the state to do so. Such alternative date shall not, however, be later than the last day of the month in which the tax was otherwise due.

(c) The commissioner of Revenue is authorized to prescribe all rules necessary for the administration of this section.

Rep. Bragg moved that the House concur in Senate Amendment(s) No(s). 1, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson,

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Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 0770 -- Licenses -- Increases fee for issuing duplicate license under Home Improvement Licensing Act. Amends TCA, Title 62, Ch. 37.

Senate Amendment No. 2

Amend House Bill No. 770 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 62-37-103(7)(B), is amended by adding the following new subdivisions immediately following subdivision (i) and by renumbering subsequent subdivisions accordingly:

() Any home improvement for which the contract price is five hundred dollars (\$500) or less;

() Any home improvement for which a building permit is not required by the municipality or county having jurisdiction;

Section _____. Tennessee Code Annotated, Section 62-37-104, is amended by deleting subdivision (b)(2) in its entirety and by renumbering subsequent subdivisions accordingly.

Section _____. Tennessee Code Annotated, Section 62-37-107(a)(3), is amended by deleting the language "as to a transaction on the premises of the contractor, and any solicitor for a contractor who makes contact with an owner by telephone only".

Rep. Ridgeway moved that the House concur in Senate Amendment(s) No(s). 2, which motion prevailed by the following vote:

Ayes. 95
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE AMENDMENTS

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, May 17, 1989:

House Bill No. 193: Rep. Scruggs.

House Bill No. 696: Rep. Winningham.

House Bill No. 1046: Rep. Naifeh.

House Bill No. 1225: Rep. West.

RULES SUSPENDED

Rep. Starnes moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 116 can be heard by the General Welfare Committee on Wednesday, May 17, 1989, which motion prevailed.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 49 (48-hour rule) to allow up to 50 bills to be placed on future calendars the rest of this Session, which motion prevailed.

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ANNOUNCEMENTS

Rep. Bragg announced that the Finance, Ways and Means Committee would meet at 10:00 a.m., Tuesday, May 16, 1989, to consider its regular calendar. He further announced that the Finance, Ways and Means subcommittee would meet at 1:30 p.m. on Tuesday, and that budget hearings would begin later this week.

The Clerk announced that the Special Joint Legislative Committee on Employment Training, formed pursuant to House Joint Resolution No. 625 of 1988, had filed an interim report with the Clerk's office.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1273: Rep(s). Hillis and Naifeh added as prime sponsor(s).

House Joint Resolution No. 360: Rep(s). Clark added as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0057 -- Memorials, Condolence -- Honors memory of Ernestine Flowers. by *Jones R, *DeBerry, *Turner L, *Dixon.

The Speaker referred House Resolution No. 57 to the Calendar and Rules Committee.

House Resolution No. 0058 -- General Assembly, Proclamations -- Proclaims third Saturday in May as day for Annual Mississippi and Walker Homecoming Festival. by *Jones R, *DeBerry, *Turner L, *Jones U, *King.

The Speaker referred House Resolution No. 58 to the Calendar and Rules Committee.

House Resolution No. 0059 -- Memorials, Interns and Pages -- Honors Kimaria LaShawn Seymour, 1989 legislative intern. by *Herron.

The Speaker referred House Resolution No. 59 to the Calendar and Rules Committee.

House Resolution No. 0060 -- Memorials, Congratulations -- Honors North Side High School on being first in the West Tennessee regional Science Olympiad. by *Sipes.

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The Speaker referred House Resolution No. 60 to the Calendar and Rules Committee.

House Joint Resolution No. 0401 -- Memorials, Congratulations -- Congratulates James H. Darrell, III on graduation from United States Naval Academy. by *Anderson, *Huskey.

The Speaker referred House Joint Resolution No. 401 to the Calendar and Rules Committee.

House Joint Resolution No. 0402 -- Memorials, Interns and Pages -- Honors James Thomas Burchett, 1989 legislative intern. by *Severance, *Peroulas, *Hawkins.

The Speaker referred House Joint Resolution No. 402 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 1536 -- Alcoa -- Deletes reference to "Personnel Advisory Board". Amends Chapter 510, Private Acts of 191, as amended. by *Anderson, *Huskey.

Passed first consideration.

***House Bill No. 1537 -- School Districts, Special -- Revises boundaries of Henry County special school district. by *Ridgeway.**

Passed first consideration.

House Bill No. 1538 -- Rutherford County -- Revises purchasing procedures. Amends Chapter 421, Private Acts of 1943, as amended. by *Hobbs, *Bragg.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

***Senate Bill No. 1084 -- Drivers' Licenses -- Extends certain privileges to persons holding hardship licenses. Amends TCA 55-50-102.**

Passed first consideration.

Senate Bill No. 0565 -- Solid Waste Disposal -- Prohibits issuing solid waste registrations if landfill is located in floodplain. Amends TCA, Title 68, Ch. 31.

Held on the Clerk's desk pending third consideration of companion House Bill No. 100.

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Senate Bill No. 0626 -- Board of Regents -- Increases age requirement for certain members. Amends TCA, Title 49, Ch. 8, Pt. 2.

Held on the Clerk's desk pending third consideration of companion House Bill No. 904.

Senate Bill No. 0767 -- Insurance, Fire and Casualty -- Revises maximum permissible risk of certain county mutual insurance companies. Amends TCA 56-22-101, 106.

Held on the Clerk's desk pending third consideration of companion House Bill No. 394.

Senate Bill No. 0840 -- Hazardous Materials -- Authorizes forms and reporting dates under Hazardous Chemical Right to Know Law which correspond to federal law requirements. Amends TCA, Title 50, Ch. 3, Pt. 20.

Held on the Clerk's desk pending third consideration of companion House Bill No. 198.

Senate Bill No. 0911 -- Fire Prevention and Investigation -- Requires installation of smoke detectors in public housing units and residential rental units. Amends TCA, Title 68, Ch. 17.

Held on the Clerk's desk pending third consideration of companion House Bill No. 183.

Senate Bill No. 0917 -- Consumer Protection -- Enacts "Tennessee Consumer Protection Warranty Extension Act". Amends TCA, Title 48, Ch. 18.

Held on the Clerk's desk pending third consideration of companion House Bill No. 325.

Senate Bill No. 1194 -- Sentencing -- Revises criminal law. Amends TCA, Titles 37, 39, 40, 55, 63 and 68

Held on the Clerk's desk pending third consideration of companion House Bill No. 662.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1535 -- Fayette County -- Passed second consideration and held on the Clerk's desk pending approval by local delegation.

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ENROLLED BILLS

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MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 154, 315, 328, 357, 361, 415, 427, 524, 683, 694, 725, 977, 997, 1249, 1284, 1470, 1507, 1512, 1513, 1514, 1516, 1517, 1518, 1520, 1521, 1526, 1527, 1528, 1529 and 1530; House Resolution(s) No(s). 54; and House Joint Resolution(s) No(s). 353, 354, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368 and 369; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

May 15, 1989

The Speaker announced that he had signed the following: House Bill(s) No(s). 154, 315, 328, 357, 361, 415, 427, 524, 683, 694, 725, 977, 997, 1249, 1284, 1470, 1507, 1512, 1513, 1514, 1516, 1517, 1518, 1520, 1521, 1526, 1527, 1528, 1529 and 1530; House Joint Resolution(s) No(s). 353, 354, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368 and 369; and House Resolution(s) No(s). 54.

ENGROSSED BILLS

May 15, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 403, 404 and 406; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

May 15, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 627; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MONDAY, MAY 15, 1989 -- FORTY-SIXTH LEGISLATIVE DAY

SIGNED
May 15, 1989

The Speaker announced that he had signed the following: House Bill(s) No(s). 627.

MESSAGE FROM THE SENATE
May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 627; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 684; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 643; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 15, 1989

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1132.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, MAY 15, 1989 -- FORTY-SIXTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 747.

The Senate nonconcurred in House Amendment(s) No(s). 1, 3 and 4.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 27, 190, 228, 370, 371, 381, 382, 383 and 394; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 595, 642, 753, 790, 1050, 1136 and 1230; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1164; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

May 15, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 407, 1532 and 1533; and House Joint Resolution(s) No(s). 177, 207, 396, 397, 398,

MONDAY, MAY 15, 1989 -- FORTY-SIXTH LEGISLATIVE DAY

399 and 400; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1352; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 515, 708, 744, 840, 852, 1099, 1203 and 1252; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 154, 315, 328, 357, 361, 415, 427, 524, 683, 694, 725, 977, 997, 1249, 1284, 1470, 1507, 1512, 1513, 1514, 1516, 1517, 1518, 1520, 1521, 1526, 1527, 1528, 1529 and 1530; also, House Joint Resolution(s) No(s). 353, 354, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368 and 369; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 117, 196, 269, 456, 461, 658, 1290 and 1414; also, Senate Joint Resolution(s) No(s). 269, 271, 272, 276, 280, 281, 284, 285, 286 and 293; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, MAY 15, 1989 -- FORTY-SIXTH LEGISLATIVE DAY

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

May 15, 1989

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1535.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

May 15, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday, May 17, 1989: House Resolution(s) No(s). 57, 59 and 60; House Joint Resolution(s) No(s). 401 and 402; and House Bill(s) No(s). 1535.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

On motion of Rep. Naifeh, the House adjourned until 2:00 p.m., Wednesday, May 17, 1989.